

MONTANA LEGISLATIVE HISTORY

Chapter 194 19 61

Bill H 266 S _____ Original bill & history C

H. Committee on Affairs of Cities

Hearing Date(s) Jan 25 ☒ C

Feb 06 ☒ C

_____ ☐ C

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Date Out Feb 06 ☒ C

S. Committee on Local Government

Hearing Date(s) Feb 17 ☒ C

Feb 20 ☒ C

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Feb 20 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

January 25, 1961

AFFAIRS OF CITIES COMMITTEE

A meeting of the Affairs of Cities Committee was held on Wednesday, January 25th, at 1:00 P. M., in Room 420, with Chairman Nelstead presiding. Roll was called by the Secretary, with 10 members present.

Mr. Lucas, Chairman of the sub-committee for H.B. No. 204, reported on this bill. He said he would like to have action on this bill postponed until the next meeting. Moved by Lucas, seconded by Beam, that the Committee pass consideration of House Bill No. 204 for the day. Carried.

House Bill No. 266 was next considered. This is a Bill for an Act entitled: "AN ACT TO AMEND SECTION 11-1001, REVISED CODES OF MONTANA, 1947, PROVIDING FOR THE AUTHORIZATION OF CITIES AND TOWNS TO FURNISH WATER TO INDUSTRIES AND TO PERSONS WITHOUT CITY LIMITS AND FOR OTHER PURPOSES; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE."

After some discussion it was moved by Beam and seconded by Lucas that House Bill No. 266 Do Pass.

More discussion followed. Spilde said that many people who want to have city water and sewage do not want to have their property annexed to the city and this creates a problem for many cities. Schye felt that people outside of city limits who use city water should pay more. Beam said that many cities, including Billings, do charge more for water used outside the city limits.

The bill did not seem to be quite clear as to how much should be paid for this water, so Lucas moved as a substitute motion, seconded by Abel, that H.B. No. 266 be put in a sub-committee to look into this further and see if it should be amended. Motion carried. Chairman appointed on the sub-committee: Lucas, Chairman, Bradford and Lewis.

Copies of House Bill No. 240, relating to Metropolitan Improvement Districts in thickly populated areas, were passed out to members of Committee. Since this is such a lengthy bill, it was suggested that some of the authors of this bill appear before the Committee to explain it to them.

Moved by Beam, seconded by Spilde, that the Committee pass consideration for the day on House Bill No. 240. Carried.

Chairman Nelstead presented House Bills Nos. 384, 385 and 386. He said these needed further study and rewriting. Moved by Nelstead, seconded by Lucas, that House Bills Nos. 384, 385 and 386 be referred to the Judiciary Committee. Motion carried.

January 25, 1961

MEMO TO MEMBERS OF AFFAIRS OF CITIES COMMITTEE

Following is the status of House Bills to be considered by the Affairs of Cities Committee:

<u>HB Nos.</u>	<u>Subject</u>	<u>Status</u>
204 - Hilling et al	To declare unfenced open ditches a public nuisance	In sub-committee
240 - Haughey et al	Metropolitan Improvement Districts in thickly populated areas	In sub-committee
266 - Hawks	Cities and towns to furnish water to industries and to persons without city limits and for other purposes	In sub-committee
232 - Lucas et al	Disability and pension funds of Fire Department Relief Assoc. and Tax Levy for maintaining same	
243 - Seymour et al	Minimum wage to paid police officers in cities of the first and second class	
248 - Sullivan (Silver Bow)	Protection of tenure and police reserve fund rights for police officers in cities and towns	
249 - Sullivan (Silver Bow)	Voluntary Fire Districts in Consolidated Municipalities - provisions for	
250 - Sullivan (Silver Bow)	Rights for Firemen - protection of tenure, disability and pension fund for	
287 - Conklin et al	Minimum wages of firemen in first and second class cities - increasing	

House Bills Nos. 232, 243, 248, 249, 250 and 287 are all bills relating to policemen and firemen. These bills will be considered at the meetings on Monday, January 30th, and Wednesday, February 1st. Both meetings will be held after House Recess.

On Monday the proponents of these bills will appear before the Committee and on Wednesday the opponents of these bills will appear.

T. R. NELSTEAD, Chairman

AFFAIRS OF CITIES

February 6, 1961

The meeting was called to order by chairman Nelstead at 1:15 P.M. February 6th. Nine members were present.

First Bill under consideration was House Bill 240 by Haughey. Mr. Haughey said: We introduced this bill with the possibility in mind that we had better end this bill as there are some others in the Senate on the same thing that seem to be doing all right.

The Mayor of Butte then said I am glad to see that the bill was killed.

A motion was made and seconded that House Bill 240 Do Not Pass.

House Bill 266 was then brought up for consideration.

Mr. Lucas said the only question we had on this bill was doubt that it might establish the same price for water outside the city limits as it was in the city. Therefore I want to introduce this amendment to the bill that it is up to the city councils to establish the rates for this water that is used outside the city.

Mr. Jensen said in Ronan they have the same problem in that the water comes through the outside residences in pipeline before it reaches the city and these people feel they should have a chance to hook on to it. So that they have had to extend their line outside the city limits to allow them to connect with it and control the water.

Mr. Lucas said the only change was in the last three lines of section 1 subparagraph 1 from any extending water line from any city or town from outside town be left to the power of the city council.

Mr. Jensen said they now have the power to furnish the water.

Mr. Jensen and Mr. Spilde both said that they can't refuse them the water under this bill.

A motion was made that the bill be amended and was carried.

Mr. Beam said the Public Service Commission would have to approve such a provision, and therefore the amendment should read to be established and approved by the Public Service Commission.

Mr. Lucas asked that the amendment be adopted and said bill be passed as amended.

It was moved and seconded that House Bill 266 be passed as amended.

House Bill 232 then came up for discussion. It was recommended that House Bill 232 do pass.

House Bill²³² pertains to that fact that if you let your disability fund get below $1\frac{1}{2}$ percent the town council can level additional mills to bring it up to 3%. This is only as a safeguard and to be used only

February __, 1961

Committee on Affairs of Cities amendment to House Bill No. 266

Be amended as follows: By deleting from ²⁴ the original bill on page one, section 1, sub-paragraph 1, at line ~~8~~ following the words "city or town," the following words, "at rates established" and further deleting the following words at line ~~9~~, "for like use or service to the inhabitants or industries located" and further deleting at line ~~10~~ the following words, "inside the corporate limits of such city or town," and inserting in lieu thereof the following words, "the rates to be established at the discretion of the city or town council, ^{upon} and ^{at} approval ^{of} the Public Service Commission," (25) (26)

SENATE COMMITTEE ON
LOCAL GOVERNMENT

February 17, 1961

Meeting of this committee was held at 11:15 A.M., this date, in Room 402. Roll call was taken and a quorum was present.

HB 322 was the first bill considered by the committee. Rep. Baldwin of Musselshell County explained this bill to the committee.

HB 320 - Rep. Edwards explained this bill next.

HB 232 - Roy Burdette of the Missoula Fire Dept, representing the State Firemen's Assn., appeared in behalf of this bill.

The visitors were thanked and excused.

Sen. Ullom moved that HB 232 Be Not Concurred In. Sen. Edwards seconded the motion. Motion carried.

Sen. McKenna of Fergus moved that HB 320 Be Concurred In. Sen. Hauk seconded the motion. Motion carried.

Sen. LaCombe moved that HB 322 Be Not Concurred In. Sen. Brenner seconded the motion. Motion carried.

HB 315 was then considered. It was decided to hold it over for the next meeting of this committee.

HB 266 was discussed, and it was decided to hold this bill for the next meeting also.

Sub HB 68 - After much discussion on the amount of the mill levy, Sen. Ullom moved to amend this bill to 8½ mills. Sen. LaCombe seconded the motion which carried.

Sen. LaCombe then moved that Sub HB 68 Be Concurred In As Amended. Sen. Ullom seconded the motion. Motion carried. The Chairman gave the bill to Sen. Brenner to have the amendment correctly drawn with instructions to give it to the Committee Secretary then in order that it may be sent out with the committee report.

HB 113 - Sen. LaCombe, Chairman of the sub-committee working on this bill, reported to the committee on their findings. The committee members all worked on this bill and then decided to hold it over until Monday before taking action. It was also decided to hold HB 269 over until Monday.

HB 384 - Sen. McKenna (Fergus) moved that HB 384 Be Concurred In. Sen. LaCombe seconded the motion. Motion carried.

Sen. LaCombe then moved that the committee adjourn. Sen. McKenna seconded the motion and committee adjourned at 12:45 P.M.

St. Albans

SENATE COMMITTEE ON

LOCAL GOVERNMENT

February 20, 1961

Meeting of this committee was called to order at recess in Room 402 on this date. Roll call was taken and a quorum was present.

HB 269, the county raise bill, was the first bill to be considered by the committee. Proponents of this bill appearing were: Don Skerritt of Gallatin County, representing the Sheriffs' and Peace Officers' Assn., and Mr. Wm. F. Crowley, a Helena attorney, representing the Montana County Attorney's Assn. They were excused

HB 384 was the next bill considered. Sen. McKenna (Fergus) moved that HB 384 Be Not Concurred In. Sen. LaCombe seconded the motion. Motion carried.

HB 315 was then considered. Sen. Brenner moved that HB 315 Be Not Concurred In. Sen. McKenna (Fergus) seconded the motion which carried.

HB 266 - Sen. Brenner submitted some necessary amendments on this. He then moved for the adoption of the amendments. Sen. LaCombe seconded the motion. Motion carried. Sen. Brenner then moved that HB 266, As Amended, Be Concurred In. Sen. Edwards seconded the motion. Motion carried.

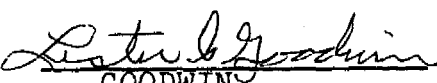
HB 397 was then considered. Sen. Brenner moved that HB 397 Be Concurred In. Sen. Ullom seconded the motion. Motion carried.

Substitute HB 269 - Sen. LaCombe moved that Sub. HB 269 Be Concurred In. Sen. McKenna (Fergus) seconded the motion.

Sen. Hauk moved as a substitute motion that Sub. HB 269 Be Not Concurred In. Sen. Keller seconded the motion. Motion carried.

HB 113 was then discussed by the committee. Sen. LaCombe presented the committee with amendments worked out by the sub-committee. Sen. McKenna (Fergus) moved that HB 113, As Amended, Be Concurred In. Sen. Mackay seconded the motion. Motion carried. The committee secretary was instructed to prepare the committee report when she received all the amendments from the Law Clerk.

There being no further business, it was duly moved and seconded that the committee adjourn.

 Chairman
GOODWIN

Board of trustees created.

tion of a commission under this act. The board of trustees of such disability or pension fund shall consist of the president, the director of finance, the director of law, the director of the fire department, and one member of the fire department selected by a majority of the members of such department between the first and tenth day of July of each year in which the municipality shall elect members of the commission. Except as provided in this section, the disability or pension fund of the fire department shall be continued and administered in the manner prescribed by law for such funds established in cities and towns."

Approved March 7, 1961.

CHAPTER 193

An Act to Amend Section 53-617, Replacement Volume No. Three (3), Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 103, Laws of 1959, Relating to a Sales Tax on New Passenger Vehicles, by Clarifying Said Section by Specifically Stating That New Passenger Motor Vehicles Are Subject to a Sales Tax Even When in the State on the First Day of January and Are Not Subject to Any Other Assessment or Taxation; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-617, replacement volume No. three (3), Revised Codes of Montana, 1947, as amended by section 1, chapter 103, laws of 1959, be, and the same is hereby amended to read as follows:

Sales tax created on new passenger vehicles.

"53-617. **Sales tax on new passenger vehicles.** In consideration of the right to use the highways of the State of Montana, there shall be imposed upon *any or all sales* of new passenger motor vehicles, *regardless of model or the date of said sale*, for which a license is sought, *and an original application for title is made*, a *new passenger* motor vehicle sales tax, as follows:

"One and one-half per cent (1½%) of the f.o.b. factory list price or f.o.b. port of entry list price of the auto-

mobile, during the first quarter of the year; one and one-eighth per cent (1⅛%) of said list price during the second quarter of the year; and three-fourths (¾) of one per cent (1%) during the third quarter of the year, and three-eighths (⅜) of one per cent (1%) during the fourth quarter of the year, this assessment to be made when the owner applies for his original Montana license through his county treasurer. Provided, however, that in case the manufacturer or importer fails to furnish the f.o.b. factory list price or f.o.b. port of entry list price the state highway commission is authorized to use such published price lists as may be available. The proceeds from this tax should be remitted to the state treasurer every thirty (30) days for credit of the state highway fund.

"The tax herein imposed shall not apply to any motor vehicle assessed and described pursuant to the provisions of section 84-406, Revised Codes of Montana, 1947, but except for the provisions of that section, said new passenger motor vehicle shall not be subject to any other assessment or taxation during the calendar year in which the said original application for title is made irrespective of whether or not said new passenger motor vehicle is in the State of Montana on the first day of January of any such year."

No other assessment during calendar year.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 7, 1961.

CHAPTER 194

An Act to Amend Section 11-1001, Revised Codes of Montana, 1947, as Amended by Chapter 63, Laws of 1957, Providing for the Authorization of Cities and Towns to Furnish Water to Industries and to Persons Without City Limits to Establish Rates Therefor Subject to Public Service Commission Approval and for Other Purposes; Repealing All Acts or Parts of Acts in Conflict Herewith; and Providing An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 11-1001, Revised Codes of Montana

Amending clause.

tana, 1947, as amended by chapter 63, laws of 1957, be, and the same is hereby amended to read as follows:

Power of city or town council to furnish water outside corporate limits.

"11-1001. (5040.1) (1) The city or town council of any city or town within the State of Montana, that owns and operates a municipal water system, to furnish water to the inhabitants of such city or town, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system, to any person, factory, or other industry, located within the corporate limits of such city or town, or to any person, factory or other industry located outside the corporate limits of such city or town, at reasonable rates filed by the city or town council and approved by the public service commission to or for the use of any person, factory or other industry located outside the corporate limits of such city or town shall be made within, or at the boundary line of the corporate limits of such city or town, or from any existing water line of such city or town located outside of the corporate limits of such city or town, except as hereinafter provided.

"(2) The city council of any city within the State of Montana that owns and operates a municipal water system to furnish water to the inhabitants of such city, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system to the inhabitants or to any person, factory, industry or producer of farm or other products located outside of the corporate limits of such city, at reasonable rates filed by the city or town council and approved by the public service commission, and such city council is further empowered to make collections for furnishing water in the same manner as collections are made within the corporate limits.

Penalty for unlawful taking of water.

"(3) Any person, firm or corporation residing either inside or outside of the corporate limits of a city owning a municipal water system which furnishes water as a public utility, who shall wilfully turn on the water after the same shall have been shut off by or under the direction of the said city for non-payment of water charges, or who shall unlawfully take water from such water system shall be guilty of a misdemeanor."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 7, 1961.

CHAPTER 195

An Act to Amend Section 25-605 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 66 of the Montana Session Laws, 1959, Relating to Salaries of County Officers; and Providing for An Increase in Salaries; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 25-605, Revised Codes of Montana, 1947, as amended by section 1, chapter 66 of the Montana session laws of 1959, be, and the same is hereby amended to read as follows:

Salaries—certain county officers.

"25-605. Salaries of certain county officers. The salaries of county treasurers, clerk and recorder, clerk of the court, county attorneys, sheriffs, county assessors, county superintendents of schools, and of county surveyors in counties where county surveyors now receive salaries, as provided in section 32-303, Revised Codes of Montana, 1947, shall be based on the population and taxable valuation of the county in accordance with the following schedule:

"Population of County	Salary Col. A	Taxable Valuation of County	Salary Col. B
Below 3,000	\$1,825	Below \$ 2,000,000	\$1,825
3,000 to 3,999	1,875	\$ 2,000,000 to 2,999,999	1,875
4,000 to 4,999	1,925	3,000,000 to 3,999,999	1,925
5,000 to 5,999	1,975	4,000,000 to 4,999,999	1,975
6,000 to 6,999	2,025	5,000,000 to 5,999,999	2,025
7,000 to 7,999	2,175	6,000,000 to 6,999,999	2,175
8,000 to 8,999	2,225	7,000,000 to 7,999,999	2,225
9,000 to 9,999	2,275	8,000,000 to 9,999,999	2,275
10,000 to 12,499	2,325	10,000,000 to 11,999,999	2,325
12,500 to 14,999	2,375	12,000,000 to 13,999,999	2,375
15,000 to 17,499	2,425	14,000,000 to 15,999,999	2,425
17,500 to 19,999	2,475	16,000,000 to 17,999,999	2,475
20,000 to 24,999	2,525	18,000,000 to 19,999,999	2,525